

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARIUS CHRISTIAN,

Defendant.

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8:09CR22

ORDER

Upon the representation that defense counsel will be out of the district from June 22 through June 29, 2009,

IT IS ORDERED that defendant's Motion to Continue Trial (Doc. 37) is granted, as follows:

1. The jury trial now set for June 23, 2009 is continued to **July 14, 2009**.
2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between June 23, 2009 and July 14, 2009, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act due to defense counsel's scheduling conflict and because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).
3. The defendant shall file an updated affidavit or declaration regarding speedy trial, as required by NECrimR 12.1 and/or 12.3 as soon as is practicable.

DATED June 15, 2009.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**